UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,695	08/02/2002	Niels Rump	SCHO0113	3855

22862 7590 10/10/2008

GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK, CA 94025

EXAMINER	
HENNING, MATTHEW T	
ART UNIT	PAPER NUMBER
2431	

MAIL DATE	DELIVERY MODE
10/10/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/913,695	RUMP ET AL.	
	Examiner	Art Unit	
	MATTHEW T. HENNING	2431	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 July 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 June 2007* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date. _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

This action is in response to the communication filed on 7/8/2008.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 12/20/2006 have been fully considered but are moot in view of the new grounds of rejection presented below.

All objections and rejections not set forth below have been withdrawn.

Claims 1-17 have been examined.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> *A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.*

Claims 1-7, 9-14 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito (US Patent Number 6,744,894), and further in view of Rump et al. (DE 196 25 635 C1).

Regarding claims 1 and 12, Saito disclosed a method for generating an encrypted user data stream, which has a header and a user data block (See Saito Fig. 4G), comprising the following steps: generating the header (See Saito Col. 8 Paragraph 8); and generating the user data block which follows the header by means of the following substeps: using a first part of the user as an unencrypted start section for the user data block, the start section remaining

unencrypted (See Saito Fig. 4G and Col. 8 Paragraphs 6-10); encrypting a second part of user data to be encrypted which follow the first part of the user data to obtain encrypted data (See Saito Fig. 4G); and appending the encrypted user data to the unencrypted start section (See Saito Fig. 4G), but Saito failed to disclose using the first part of the user data as the unencrypted start section, or that the unencrypted start section is placed immediately after the header.

Rump teaches that unencrypted data can be used as sample data for the content and that the data should be the first 20 seconds in length of the content (See Rump Col. 2 Last Paragraph to Col. 3 First paragraph).

It would have been obvious to the ordinary person skilled in the art at the time of invention to employ the teachings of Rump in the content encryption system of Saito by providing the first 20 seconds of the content as unencrypted sample data. This would have been obvious because the ordinary person skilled in the art would have been motivated to allow the user to sample the content before purchasing the content. In this combination, it would have been obvious to the ordinary person skilled in the art at the time of invention to have placed the unencrypted sample data immediately following the header data. This would have been obvious because the ordinary person skilled in the art would have been motivated to provide the content data in the proper order following the header.

Regarding claims 6 and 7, Saito and Rump disclosed a method for playing back an encrypted user data stream, which has a header and a user data block, where an unencrypted start section of the user data block, which is placed immediately after the header, comprises the first part of the user data in an unencrypted form, and where a further section of the user data block comprises a second part of the user data in an encrypted form, where the header comprises

information which is absolutely necessary for playing back the unencrypted start section of the user data block and where the header also comprises information which is not needed to play back the unencrypted start section of the user data block (See Saito Fig. 4G and Col. 8), comprising: initially processing only the information of the header which is absolutely necessary for playing back the unencrypted start section of the user data block (See Saito Col. 8 Paragraph 2 and Rump Col. 2 Last Paragraph to Col. 3 First paragraph), processing the information of the header which is not needed to play back the unencrypted start section (See Saito Col. 8 Paragraphs 2-10); decrypting the further section of the user data block using the information of the header which is processed in the step of processing (See Saito Col. 8 Paragraphs 2-10); but failed to disclose specifically playing back the data. However, it is implied that the data was meant to be played back since Saito disclosed that the data was video data (See Saito Col. 8 Paragraph 2).

Regarding claims 13-14, Saito and Rump disclosed a method for playing back an encrypted multimedia data stream, which has a header and a user data block, where an unencrypted start section of the user data block, which is placed immediately after the header, comprises the first part of the user data in an unencrypted form and where a further section of the user data block comprises a second part of the user data in an encrypted form, where the header comprises information which is absolutely necessary for playing back the unencrypted start section of the user data block and where the header also comprises information which is not needed to play back the unencrypted start section of the user data block (See Saito Fig. 4G and Col. 8), comprising the following steps: initially processing the information of the header which is absolutely necessary for playing back the unencrypted start section of the user data block (See

Saito Col. 8 Paragraph 2), processing the information of the header which is not needed to play back the unencrypted start section (See Saito Col. 8 Paragraphs 2-10 and Rump Col. 2 Last Paragraph to Col. 3 First paragraph); and decrypting the further section of the user data block using the information of the header which is processed by the unit for processing (See Saito Col. 8 Paragraphs 2-10); but failed to disclose specifically playing back the data. However, it is implied that the data was meant to be played back since Saito disclosed that the data was video data (See Saito Col. 8 Paragraph 2), and it was further obvious that playback would have been in response to processing the header data (used to allow the content to be recognized, as seen in Saito Col. 8). Saito further did not specifically disclose a unit which only processes the header. However, it was well known in the art that modularization of a system improved the flexibility and comprehensibility of the system, and as such it would have been obvious to have broken the system in to different modules, and as header processors were also well know in the art it would have been obvious to have used a dedicated header processor in the system of Saito.

Regarding claim 3, Saito and Rump disclosed that the second part does not comprise all the user data to be encrypted and wherein the step of generating the user data block includes the following substep: appending a third part of user data to be encrypted, which follow the second part, to the encrypted user data of the second part, the user data of the third part being unencrypted (See Saito Fig. 4G and Col. 8).

Regarding claims 2, and 4-5, Saito and Rump disclosed generating the header (See the rejection of claim 1 above) but failed to specifically disclose entering the length of the unencrypted start section in the header. However, Saito did disclose that the header data needed

to contain information that would allow the content to be recognized. Furthermore, it was well known at the time of invention that header data included the various lengths of portions of the data associated with the header. Also, it was well known to include a total length for the content in the header. Therefore, it would have been obvious to the ordinary person skilled in the art at the time of invention to employ what was known in the art at the time of invention by adding the lengths of the various portions of the content in Fig. 4G to the header and the total length. This would have been obvious because the ordinary person skilled in the art would have been motivated to allow the content to be recognized.

Regarding claims 9 and 16, Saito and Rump disclosed that the length of the unencrypted start section of the user data block is between 1 and 60 seconds (Rump Col. 2 Last Paragraph to Col. 3 First paragraph).

Regarding claim 10, Saito and Rump disclosed that the data was encoded (See Saito Col. 2 Paragraph 2) and it was therefore obvious that the type of coding was indicated in the header data in order to recognize the data.

Regarding claims 11, and 17, Saito and Rump disclosed the data as audio or video data (See Saito Col. 8 Paragraph 2).

Claims 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito and Rump as applied to claims 7 and 14 above, and further in view of Downs et al. (US Patent Number 6,226,618).

Saito and Rump disclosed the different portions of header data (See the rejection of claim 6 above), but failed to disclose concurrent processing of the encrypted data while playing back the unencrypted data.

Downs teaches that concurrently decrypting the data while playing unencrypted data makes the decryption more efficient since the entire file does not need to be decrypted prior to beginning playback (See Downs Col. 82 Paragraph 5).

It would have been obvious to the ordinary person skilled in the art at the time of invention to employ the teachings of Downs in the decryption system of Saito by concurrently playing and decrypting. This would have been obvious because the ordinary person skilled in the art would have been motivated to increase the efficiency of the decryption system.

Conclusion

Claims 1-17 have been rejected.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW T. HENNING whose telephone number is (571)272-3790. The examiner can normally be reached on M-F 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew T Henning/
Examiner, Art Unit 2431

/Christopher A. Revak/
Primary Examiner, Art Unit 2431